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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 021756-002100US | |
| hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on <u>8/13/09</u> . TOWNSEND and TOWNSEND and CREW LLP By: <u>/Linda Shaffer/</u> Linda Shaffer | Application Number 10/731,604 | Filed December 8, 2003 | |
| | First Named Inventor Karimisetty, Srikanth | | |
| | Art Unit 2168 | Examiner Jay A. Morrison | |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record.
Registration number 53,437

- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

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Signature

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Typed or printed name

925-472-5000

Telephone number

8/13/09

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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PATENT
Attorney Docket No. 021756-002100US
Client Ref. No.: OID-2003-067-01

TOWNSEND and TOWNSEND and CREW LLP

By: /Linda Shaffer/
Linda Shaffer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Srikanth Karimisetty et al.

Application No.: 10/731,604

Filed: December 8, 2003

For: METHOD AND SYSTEM FOR
CREATING QUERIES THAT OPERATE
ON UNSTRUCTURED DATA STORED
IN A DATABASE

Confirmation No. 4746

Examiner: Jay A. Morrison

Art Unit: 2168

STATEMENT OF REASONS IN
SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal and the Pre-Appeal Brief Request for Review, both of which are submitted herewith for the above-referenced Application, Appellants respectfully submit the following arguments in support of the Pre-Appeal Brief Request for Review.

As set forth in detail below, the Examiner has omitted one or more essential elements needed for a prima facie rejection of obviousness. This deficiency is readily apparent, and thus, Applicants request withdrawal of the following rejections. Pending claims 1-3, 5, 11-12, 14, 16, 17, 19, and 20 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over non-patent literature entitled "Integrating XML and Database" by Bertino et al. (hereinafter "Bertino"), in view of U.S. Patent Application Publication No. 2005/0091188 (hereinafter "Pal"), and in further view of non-patent literature entitled "NoDoSE" by Adelberg (hereinafter

“Adelberg”). Claims 6-7, 15 ,and 20 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertino, in view of Pal, and in further view of Adelberg and U.S. Patent No. 7,346,598 (hereinafter “Arora”). Claims 9 and 10 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertino, in view of Pal, and in further view of Adelberg and Arora. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Bertino, in view of Pal, and in further view of Adelberg and U.S. Patent No. 6,856,970 (hereinafter “Campbell”).

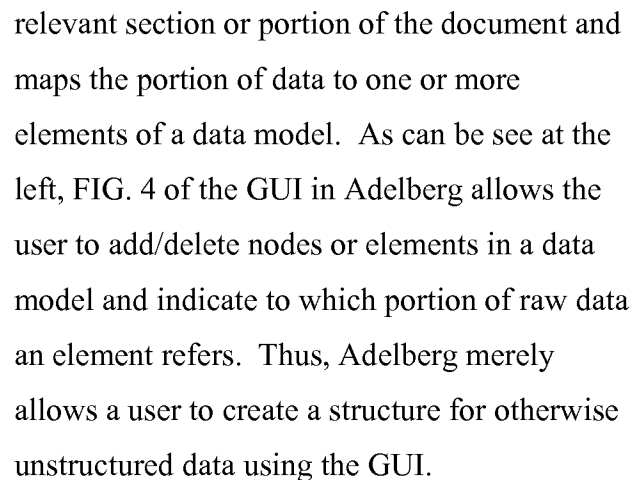
In rejecting claim 1, the Examiner acknowledges that the combination of Bertino and Pal fails to disclose or suggest the feature recited in claim 1 of:

generating a first graphical user interface and displaying the first graphical user interface on a display device, the first graphical user interface configured to enable users to designate elements in the unstructured data as query elements; and
receiving user input via the first graphical user interface identifying one or more elements in the unstructured data stored in CLOB format as query elements;

In essence, unstructured data takes the form of e-mails, documents, and other data that cannot be neatly stored in a database. For example, an e-mail contains relevant portions, such as sender ID, recipient ID, subject, and body that are often difficult to separate out in their native due to how the e-mails may be formatted. Thus, when storing unstructured data in a database, the entire e-mail may be stored in CLOB format in the database. Even XML documents, that may appear structured internally, are considered unstructured data, and therefore stored in CLOB format in the database. Features recited in claim 1 a user to search not only a database, but within unstructured data stored in the database, by allowing the user to designate elements or portions in the unstructured data as query elements. Because native indexing cannot be used on CLOB fields to get to information in the unstructured data, as recited, an intermediate index is generated between each user created query element and its corresponding element designated by the user in the unstructured data. As recited, the index allows queries against the unstructured data to be translated from their query elements (e.g., those created by the user) into the elements or portions in the unstructured data that where designed by the user and information this obtained from the unstructured data.

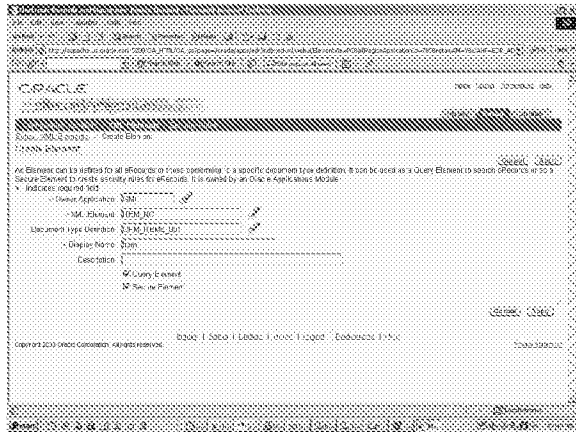
The Examiner applies the new reference Adelberg attempting to cure the acknowledged deficiencies of Bertino and Pal. However, the Examiner errors in concluding that

In particular, Adelberg discloses a graphical user interface that enables a user to simply decompose a document. Decomposing the document means that the user selects a



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user to designate which of those elements can be used in queries as query elements and providing a mechanism the translates user-created query elements into the referenced portions of the



unstructured data as recited in claim 1. FIG. 16 (at left) of the Applicants illustrates this difference where an XML element can be designated as a “query element” or “security element.” Adelberg fails to disclose or suggest such a feature.

Therefore, the Examiner fails to establish at least one element of a prima facie case of obviousness because the combination of Bertino, Pal, and Adelberg fail to disclose or

suggest the feature recited in claim 1 of “generating a first graphical user interface and displaying the first graphical user interface on a display device, the first graphical user interface configured to enable users to designate elements in the unstructured data as query elements” and “receiving user input via the first graphical user interface identifying one or more elements in the unstructured data stored in CLOB format as query elements.”

Applicants respectfully submit that none of the other recited references disclose this feature where a user can create queries on unstructured data by designating elements in the unstructured data as query elements as recited in claim 1.

Applicants respectfully submit that the remaining independent claims are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that the dependent claims that depend directly and/or indirectly from the independent claims, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully

submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

Respectfully submitted,

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